

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK A. NIXON)	
)	
Petitioner,)	Civil Action No. 2: 19-cv-0583
)	
v.)	United States District Judge
)	Nora Barry Fischer
)	
WARDEN ORLANDO HARPER,)	
)	
Respondent.)	

MEMORANDUM ORDER

Pending before the Court is the Petition for Writ of Habeas Corpus filed by Petitioner Mark A. Nixon (ECF No. 3) and the Report and Recommendation of Chief United States Magistrate Judge Cynthia Reed Eddy recommending that the Petition for Writ of Habeas Corpus be dismissed as moot and that, to the extent one is needed, no certificate of appealability be issued. (ECF No. 13).

Mark A. Nixon (“Petitioner” or “Nixon”), was, at the time of filing this case, a state pre-trial detainee, who was incarcerated in the Allegheny County Jail (“ACJ”), awaiting trial in two separate criminal cases pending in the Court of Common Pleas of Allegheny County. He initiated this case on May 17, 2019, alleging, *inter alia*, denial of his right to a speedy trial and ineffective assistance of counsel for “failing to raise speedy trial bail and prompt trial rule and necessary motions on my behalf.” As explained in the Report and Recommendation, on August 13, 2019, Nixon entered a plea and was sentenced to time served, to be paroled within 48 hours of sentence. Because Nixon has been sentenced and released from custody, his request for relief is now moot. The parties were advised that Petitioner’s written objections to the Report and

Recommendation were due by October 15, 2019, and Respondents' objections were due by October 9, 2019. To date, no party has filed objections nor sought an extension of time in which to do so.

The Report and Recommendation was mailed to Petitioner at his listed address of record, but was returned to the Court on October 8, 2019, marked "Return to Sender/No Mail Receptacle/Unable to Forward. RTS Released." Petitioner has not provided the Court with a forwarding address and the Court has been unable to find a forwarding address for him. If and when Petitioner provides a new address, the Court will send him a copy of the Report and Recommendation, as well as this Memorandum Order. Furthermore, in an abundance of caution, the Court will send this Order to Petitioner at the only address he has provided the Court.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16th day of October, 2019:

IT IS ORDERED that the instant petition for writ of habeas corpus is **DISMISSED** as moot. To the extent one is needed, a Certificate of Appealability is **DENIED** as jurists of reason would not find the foregoing debatable.

IT IS FURTHER ORDERED that the Report and Recommendation filed September 25, 2019 (ECF No. 13) is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: MARK A. NIXON
71885
950 2nd Ave
Pittsburgh, PA 15219
(via U.S. First Class Mail)

Alicia H. Searfoss
Office of the District Attorney of Allegheny County
(via ECF electronic notification)